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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,694	12/13/2000	Rayi Ganesan	335036	6528

20457 7590 11/30/2005

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/734,694

12/13/2000

RAYI GANESAN

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EXAMINER

E. Colbert

ART UNIT	PAPER
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DATE MAILED:

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Commissioner for Patents

### **Response to Applicants' Amendment**

The Response to the Election/Restriction requirement filed 09/14/05 and Preliminary amendment filed on 04/25/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The Applicants' reply does not comply with 37 C.F.R. 1.21 because in the Response to Election/Restriction it has claims 1, 4, 8-11, 14, 17, 18, 20-31, 34, 35, 37-41, 43-45, 48, 49, 51, and 55-57 listed as "previously presented". These claims should be listed as "Previously Amended". Claim 53 is listed as "Previously Presented". This claim should be listed as "Original". See 37 C.F.R. 1.121. Claim 52 was amended during the Election/Restriction requirement to depend on claim 1 which did not originally depend on claim 1 which was not apart of Group I, claims 1-51. It is considered improper to change the claim dependency without the originally elected claims (though they were elected with traverse) being examined on the merits. Once the elected claims have been examined on the merits, Applicants' can make amendments to change the claim dependency and any other amendments to the claims. MPEP 8.22 clearly reads, "Applicant is advised that the reply to this requirement to be complete must include an election of the invention (interpreted as one group of claims) to be examined even though the requirement be traversed (37 CFR 1.143)". Nothing is mentioned in the MPEP regarding amending the claims after a restriction has been applied to the groups of claims prior to an examination of the elected group of claims with or without traverse. Since the above mentioned reply appears to be *bona fide*, the Applicants' are given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is

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longer, within which to supply the omission or correction in order to avoid abandonment.

Extensions of this time period maybe granted under 37 C.F.R. 1.136 (a). This action is


**NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
E. Colbert  
Primary Examiner  
November 26, 2005